

1 RICHARD J. HAYDEN  
2 RICHARD J. HAYDEN, P.S.  
3 1427 W. Sixth Avenue  
4 Spokane, WA 99204-3303  
5 (509) 624-1111  
6  
7

Date Entered: \_\_\_\_\_  
Time Entered: \_\_\_\_\_

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9 Of Attorneys for GE COMMERCIAL DISTRIBUTION FINANCE  
10 CORPORATION  
11

12 UNITED STATES DISTRICT COURT  
13 FOR THE EASTERN DISTRICT OF WASHINGTON  
14

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19 GE COMMERCIAL DISTRIBUTION  
20 FINANCE CORPORATION, as  
21 assignee of certain assets of  
22 Bombardier Capital, Inc.,  
23

24  
25 Plaintiff,  
26

27 v.  
28

29 D.K. SANDERLIN, INC., d/b/a Family  
30 Powersports,  
31

32 Defendant.  
33  
34

NO. CV-07-170-FVS

ORDER TO SHOW CAUSE  
AND TEMPORARY  
RESTRAINING ORDER

35 UPON reading the Complaint dated May 24, 2007, together with the  
36 exhibits annexed thereto, and the Affidavit of Michael Hudak, sworn to the 24<sup>th</sup>  
37 day of May, 2007, all submitted in support of an Order to Show Cause why an  
38 Order should not be issued herein, pursuant to R.C.W. § 7.64.020, as applicable  
39 herein pursuant to Fed. R. Civ. P. 64, directing the United States Marshall or  
40 Sheriff of the County of Grant, State of Washington, or of any other county  
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50 TEMPORARY RESTRAINING  
ORDER

ORIGINAL

1 within the State of Washington where the property may be found, to seize certain  
2  
3 property as hereinafter described, and further seeking a Temporary Restraining  
4  
5 Order restraining the Defendant, D.K. SANDERLIN, INC., d/b/a Family  
6  
7 Powersports, and all persons acting in concert with it, from dismantling,  
8  
9 removing, concealing, using, hiding, selling, disposing of, transferring,  
10  
11 encumbering, commingling or permitting to become subject to a security interest  
12  
13 or lien or otherwise acting in any manner inconsistent with the Plaintiff's interest  
14  
15 in such property, and due deliberation having been had hereon, and good and  
16  
17 sufficient cause having been shown,  
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22  
23 NOW, on the Complaint dated May 24, 2007 by GE Commercial  
24  
25 Distribution Finance Corporation (hereinafter "Plaintiff"), and upon the annexed  
26  
27 Affidavit of Michael Hudak, sworn to the 24<sup>th</sup> day of May, 2007;  
28  
29

30  
31 The Defendant is hereby ORDERED TO APPEAR BEFORE THIS  
32  
33 COURT AND SHOW CAUSE IF ANY IT HAS, at a hearing to be held in  
34  
35 Courtroom # 3, United States District Court, Eastern District of  
36  
37 Washington, on the 31st day of May, 2007, at Nine o'clock  
38  
39        A.M., or as soon thereafter as counsel can be heard, to show why an Order  
40  
41 of Seizure should not be made and entered in this action, authorizing pursuant to  
42  
43 R.C.W. §§ 7.64.035; 7.64.047, made applicable herein pursuant to Fed. R. Civ.  
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1 P. 64, and directing the United States Marshall or Sheriff of the County of Grant,  
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3 State of Washington, or any other county in the State of Washington where the  
4  
5 property may be found, to seize from the Defendant, and deliver to Plaintiff all  
6  
7 Collateral as defined and more particularly described in the Complaint  
8  
9 ("Collateral");  
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12

13 AND IT IS FURTHER ORDERED, pursuant to R.C.W. § 7.64.035 and  
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15 Fed. R. Civ. P. 65(b), that, pending the show cause hearing, the Defendant and its  
16  
17 respective servants, agents, employees, representatives, and all persons acting in  
18  
19 concert with it be, and the same hereby are, restrained and enjoined from  
20  
21 removing, transferring, dismantling, selling, pledging, encumbering, commingling,  
22  
23 using, concealing, hiding or otherwise disposing of, or permitting to become  
24  
25 subject to a security interest or lien, the Collateral, described above in any  
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27 manner inconsistent with Plaintiff's interests therein; and it is further  
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32 ORDERED, that Plaintiff post an undertaking in the amount of  
33  
34 \$1,536,192.00, pursuant to the provisions of R.C.W. § 7.64.035 upon entry of  
35  
36 this Order; and it is further  
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39

40 ORDERED, that a copy of this Order to Show Cause and Temporary  
41  
42 Restraining Order, together with the copies of the above-referenced papers upon  
43  
44 which it is made, shall be personally served (or attempted to be personally  
45  
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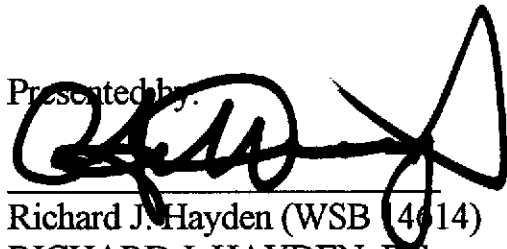
1 served): (a) upon D.K. SANDERLIN, INC., d/b/a Family Powersports, 520 S.  
2 Pioneer Way, Moses Lake, WA 98837 by serving any apparently responsible  
3 person at such business and upon Danny E. Sanderlin by personal or substituted  
4 service on or before May 29, 2007, and that such service shall be  
5 deemed good and sufficient notice of this Order.  
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13 Dated: May 25, 2007, Spokane, Washington  
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15

16 s/ Fred Van Sickle  
17 \_\_\_\_\_

18 Hon.  
19 United States District Judge  
20 Eastern District of Washington  
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Presented by:



Richard J. Hayden (WSB 4614)

RICHARD J. HAYDEN, P.S.

1427 West Sixth Avenue

Spokane, WA 99204-3033

509-624-1111

Of Attorneys for GE COMMERCIAL

DISTRIBUTION FINANCE CORPORATION

FOR THE FIRM